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11	Attorneys for E. I. du Pont de Nemours and Company			
12				
13	UNITED STATES DISTRICT COURT			
14	NORTHERN DISTRICT OF CALIFORNIA			
115 116 117 118 119 120 221 222 223	E. I. DU PONT DE NEMOURS AND COMPANY, Plaintiff, V. USA PERFORMANCE TECHNOLOGY, INC., PERFORMANCE GROUP (USA), INC., WALTER LIEW, and JOHN LIU, Defendants. Defendants. Case No. 3:11-cv-01665-JSW JOINT STATUS REPORT Judge: Hon. Jeffrey S. White			
24	Earth Court and District Ed. I. D. (1. N			
25	For the Court's convenience, Plaintiff E.I. du Pont de Nemours and Company ("DuPont"			
26	and defendants Walter Liew and USA Performance Technology, Inc. (collectively "USAPT")			
27	submit this Joint Status Report. The parties request that the stay in this matter set to expire on			
28	November 29, 2011, remain in place for an additional 60 days, through January 31, 2012.			

Case3:11-cv-01665-JSW Document46 Filed11/23/11 Page2 of 3

1	On August 23, 2011, the United States filed United States v. Walter Liew and Christina			
2	Liew, No. CR-11-0573-RS.			
3	<u>DuPont's Position</u> : The indictment alleges that defendant Walter Liew and his wife,			
4	Christina Liew, tampered with a witness in this action by, among other things, telling the witness			
5	not to reveal his knowledge of certain employees of defendant USAPTI because it would not be			
6	good for the witness or his family, and instructing the witness to lie about his knowledge of			
7	certain individuals relevant to the trade secret case, in violation of 18 U.S.C. § 1512. The			
8	indictment also alleges that Walter Liew and Christina Liew engaged in misleading conduct			
9	towards agents of the Federal Bureau of Investigation and made false statements during the			
10	execution of a search warrant by intentionally lying to the agents concerning the whereabouts of			
11	a safe deposit box that contained evidence relevant to the FBI's investigation, in violation of 18			
12	U.S.C. §§ 1001 and 1512. (Docket # 41 at 2.)			
13	<u>USAPT's Position</u> : Defendants believe that the August 23 Complaint speaks for itself,			
14	and no further explanation or commentary is appropriate or needed.			
15	On September 7, 2011, this Court issued an Order relating the criminal proceeding with			
16	this action, pursuant to its determination that this action and the criminal proceeding are related			
17	within the meaning of Crim. L.R. 8-1(b). (Docket # 42.) ¹			
18	On September 23, 2011, the parties filed a joint status report requesting that the stay			
19	initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket			
20	# 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)			
21	The parties understand that the United States plans to file a superseding indictment in			
22	December relating to the misappropriation of DuPont's trade secrets. The parties to the criminal			
23	proceedings are in agreement that this civil action should be stayed for an additional 60 days.			
24	///			
25	///			
26				
27	On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to			
28	Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company USA Performance Technology Inc.			

in this action are Walter Liew and his company, USA Performance Technology Inc.

Case3:11-cv-01665-JSW Document46 Filed11/23/11 Page3 of 3

1	The undersigned counsel are also in agreement that the stay remain in place for an additional 60		
2	days, at which time the parties can update the Court.		
3			
4	Dated: November 23, 2011	GLYNN & FINLEY, LLP CLEMENT L. GLYNN	
5		MORGAN K. LOPEZ JONATHAN A. ELDREDGE	
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8		MORRIS JAMES LLP P. CLARKSON COLLINS, JR. JASON C. JOWERS	
10		500 Delaware Avenue, Suite 1500 Wilmington, DE 19801	
11		By /s/ Morgan K. Lopez Attorneys for Plaintiff	
12	Dated: November 23, 2011	MOUNT & STOELKER, P.C.	
13	Buted: November 23, 2011	DANIEL S. MOUNT ON LU	
14		KEVIN M. PASQUINELLI RiverPark Tower, Suite 1650	
15 16		333 West San Carlos Street San Jose, CA 95110-2740	
17		By /s/ Daniel S. Mount Atternays for Defendants USA Performance	
18		Attorneys for Defendants USA Performance Technology, Inc., and Walter Liew	
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